

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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In re JEFFERSON BUNING,
Petitioner,
v.
LORETTA LYNCH, Attorney General, *et al.*,
Respondents.

Case No. 2:15-cv-01176-APG-VCF

Order Dismissing Case

(ECF No. 14)

Petitioner Jefferson Buning is a lawful permanent resident of the United States. He filed with the United States Citizenship and Immigration Service (“USCIS”) a Form N-400 application for naturalization. The USCIS denied both that application and his subsequent administrative appeal. ECF No. 1. Buning filed a Petition in this court requesting that I both overrule the USCIS’s denial of his application and stay of all further immigration and removal proceedings. *Id.* at 4.

Buning did not timely and properly serve the respondents with the Petition. The respondents' counsel, on more than one occasion, told Buning's counsel the proper way to serve the government. ECF No. 14-2 at 2. Nevertheless, Buning did not properly serve the respondents. Buning was granted additional time to effect proper service (ECF No. 12), yet still has not properly served the respondents. Buning has not demonstrated good cause for his failure to effect proper service, especially given that the respondents' counsel explained how to do that more than once. Dismissal under Fed. R. Civ. P. 4(m) is appropriate under these circumstances.

Even if the case was not dismissed, Buning's request for a stay of all immigration and removal proceedings is not ripe. Buning has not alleged that removal proceedings are pending against him or that such proceedings are imminent. He has not articulated a reason why the government would initiate removal proceedings against him, and removal seems unlikely given

1 that he is authorized to be in the United States as a lawful permanent resident. Because Buning has
2 not identified a real threat of removal, his claim is unripe.¹

3 IT IS ORDERED that the Respondents' motion to dismiss (**ECF No. 14**) is GRANTED.
4 Plaintiff's Petition is DISMISSED. The clerk of the court is directed to enter judgment accordingly
5 and close this file.

6 Dated: June 7, 2016.



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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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¹ Even if Buning's claim was ripe, the relief he seeks cannot be granted by this court due to the REAL ID Act of 2005. 8 U.S.C. § 1252(a)(5), (b)(9), (g).